

STATE OF MICHIGAN



HON. JENNIFER A. MAZZUCHI
CIRCUIT JUDGE

25TH JUDICIAL CIRCUIT

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November 4, 2011

**Rep. John J. Walsh, Committee Chair
Michigan House of Representatives
House Judiciary Committee
N-698 House Office Building
P.O. Box 30014
Lansing, MI 48933**

Dear Representative Walsh:

Please consider these remarks as a part of the testimony for the informal hearing of the House Judiciary Committee scheduled for Monday, November 7, 2011, in St. Ignace, Michigan.

House Bill 5106 proposes to eliminate one District Court and one Circuit Court position in Marquette County. Because Marquette County currently has one Probate Judge, two District Judges, and two Circuit Judges, this is an elimination of 40 percent of our judges.

The recent package of bills for the elimination of judgeships, which includes Bill 5106, is based on the State Court Administrative Office's Judicial Resources Recommendations Report, which was released in August. Please allow these comments to direct you to relevant portions of that report.

Pages 20 and 21 discuss Marquette County's caseload and the prior SCAO recommendations for elimination of judgeships. As the report indicates, the recommendation in 2007 and 2009 was for the loss of one judge. The change in caseload since the 2009 recommendations were released is only about 5 percent, but the 2011 recommendation is to cut the judges by 40 percent instead of 20 percent. That is significant.

Page 72 of that report contains a summary of the different "strata" of courts, and also contains a shaded box comparing the "judicial proportion" to the "quasi-judicial officer" proportion. Please notice that for Stratum 2 counties, of which Marquette is one, the shaded box assumes that the judicial share in the Circuit/Probate Court is .56.

This means that SCAO assumes the judges in our Circuit and Probate Courts do 56 percent of the judicial work, and that a "quasi-judicial officer," usually a magistrate or referee, does the remaining 44 percent. In Marquette County, that estimate is not correct. Our Circuit Courts

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have zero quasi-judicial officers, and our Probate Court has a .3 FTE referee. We do have quasi-judicial officers in our District Court, but not one of them is an attorney. You cannot simply transfer a non-attorney District Court magistrate, even if he or she is very competent, to the duties of a Family Court Referee. The quasi-judicial officers are not fungible.


I will also direct your attention to the testimony provided at the October 20, 2011, hearing before the full committee. Among the documents you received is a sheet entitled "2011 Judicial Resources Recommendations Frequently Asked Questions." Question 6 asks if the local courts will have to add magistrates, referees, etc. The answer says: "Very unlikely... It is possible that a few courts will need to consider adding referees, law clerks, or magistrates." Question 9 asks: "Is this a shifting of cost from the state to the funding unit?" The answer given is: "No. We are confident this recommendation will cut costs for the funding units."

We in Marquette County are not so confident. The current report assumes that our Circuit Court judges do only 56 percent of their work. This is simply not the case. The elimination of a judgeship in that court will certainly result in a need for a full-time referee, and that is a cost to the county.

Our judges will develop a concurrent jurisdiction plan, and will attempt to combine resources where possible. It is likely that the elimination of one position could be addressed through concurrent jurisdiction planning, and some reassignment of existing budget resources. The elimination of two positions, however, will certainly result in additional cost to the local funding unit. Our current cost for a .3 FTE Family Court Referee is about \$35,000, exclusive of benefits. Adding a full-time Family Court Referee position, which will be necessary if a Circuit Court position is eliminated, would cost Marquette County an estimated \$114,000 per year, including the obligation to provide employee benefits. Please review the portions of the JRR outlined for you, and consider the impact on Marquette County as you consider this bill.

Thank you for your consideration of these issues.

Sincerely,



Jennifer A. Mazzuchi
Circuit Court Judge



Dennis H. Girard
District Court Judge